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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,680	12/28/2000	Tadashi Ohta	XA-7183E	8012
181	7590	05/13/2005	EXAMINER	
MILES & STOCKBRIDGE PC 1751 PINNACLE DRIVE SUITE 500 MCLEAN, VA 22102-3833			HERNANDEZ, NELSON D	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 05/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,680

Applicant(s)

OHTA ET AL.

Examiner

Nelson D. Hernandez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 08/914,758.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 (cancelled) have been considered but are moot in view of the new ground(s) of rejection due to introduction of new claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claim 27** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161.

Regarding **claim 27**, Fujimori discloses an electronic camera (Fig. 1) comprising: an image pickup portion (Fig. 1: 4, col. 4, lines 14-27), which picks up an image of an object; a compression portion (Fig. 1: 14 and 15; figs. 2, 4A and 4B; col. 5, lines 17-35) which compresses still image data picked up by said image pickup portion at a predetermined compressibility; a recording portion (Fig. 1: 18, col. 5, lines 31-35) which records the image data compressed by said compression portion on a memory which is detachably attached; a remaining capacity detection portion (Fig. 1: 24, col. 6, lines 25-43; col. 6, line 65 – col. 7, line 4) which detects a remaining capacity of said memory attached; a calculation portion (Fig. 1: 24, col. 6, lines 25-43; col. 6, line 65 – col. 7, line 4) which calculates the number of still images capable of being recorded on said memory based on the remaining capacity detected by said remaining capacity detection

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portion and a compressed data amount compressed by said compression portion; an instruction member (Shutter release, see fig. 3; also col. 7, lines 27-51) by means of which an operation for instructing start of image taking is applied by a user; a display portion (Fig. 1: 26) which is provided on an outer surface of said electronic camera and a control portion which causes the number of recordable still images calculated by said calculation portion to be displayed on said display portion (Col. 8, lines 50-57). Fujimori does not explicitly disclose that the display portion displays a moving image of the object picked up by said image pickup portion before applying an operation to said instruction member; and that the control portion for causing the number of recordable still images calculated by said calculation portion to be displayed overlapping with the moving image on said display portion.

However, Watanabe teaches a digital camera (Fig. 2: 10) comprising a display (Fig. 2: 24), which can be used as a viewfinder for displaying moving images and also displays the remaining number of frames (Fig. 1: D1) in the memory (Fig. 1: 20) overlapping the displayed image (Col. 3, lines 20-41; col.4, lines 41-65; col. 5, lines 22-60).

Therefore, taking the combined teaching of Fujimori in view of Watanabe as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Fujimori by having a display capable of displaying moving images and the remaining number of frames in the memory overlapping said displayed image. The motivation to do so would help reducing the size of the electronic camera since there is no need of a second display for displaying the image data separated from

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additional data related to the camera operation and memory and also would help the user to capture images since the viewfinder shows the total area of the scene to be captured.

4. **Claim 28** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161 and further in view of Watanabe, US Patent 5,032,927.

Regarding **claim 28**, the combined teaching of Fujimori in view of Watanabe does not teach a selection portion by means of which one of three compressed data amounts compressed by said compression portion is selected by a user, and wherein said calculation portion calculates the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion.

However, Watanabe '927 teaches a digital camera (Figs. 1, 7, 8 and 9) comprising an image pickup portion (Figs. 1: 14, 7: 14, 8: 14 and 9: 14), which picks up an image of an object; a compression portion (Figs. 1: 26, 7: 26 and 9: 26) which compresses still image data picked up by said image pickup portion at a predetermined compressibility; a selection means (Figs. 1: 88 and 7: 88) for selecting one from three compression ratio ($\frac{1}{2}$, $\frac{1}{4}$ and $\frac{1}{16}$); a recording portion (Figs. 1: 32, 7: 32, 8: 32 and 9: 32) which records the image data compressed by said compression portion on a memory which is detachably attached; a remaining capacity detection portion (Figs. 8: 92 and 9: 92) which detects a remaining capacity of said memory attached; a calculation portion

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(Figs. 8: 92 and 9: 92) calculates the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion; a display portion (Figs. 8: 92 and 9: 92) which is provided on an outer surface of said electronic camera and a control portion which causes the number of recordable still images calculated by said calculation portion to be displayed on said display portion (Col. 2, lines 51 - col. 3, line 31; col. 6, lines 1-58; col. 9, lines 8-37; col. 10, line 65 - col. 11, line 28; col. 12, lines 25-51).

Therefore, taking the combined teaching of Fujimori in view of Watanabe and further in view of Watanabe '927 as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic camera by having a selection means for selecting one from three compression ratio and having the calculation portion calculating the number of still images capable of being recorded on said memory based on the compressed data amount selected by said selection portion and the remaining capacity detected by said remaining capacity detection portion. The motivation to do so would allow the user to select a desired compression ratio from a selection different compression ratio so as to save the image with a desired picture quality, also would help to determine the correct amount of remaining data in the case of different image compression selected for the image data as suggested by Watanabe '927 (Col. 2, lines 35-48; col. 16, lines 3-14).

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5. **Claim 29** is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujimori, US Patent 5,027,214 in view of Watanabe, US Patent 4,887,161 and further in view of Inoue, US Patent 5,036,344.

Regarding **claim 29**, the combined teaching of Fujimori in view of Watanabe does not teach that the control portion causes said display portion to display that the memory is not attached when the memory is not attached to the electronic camera.

However, Inoue teaches a camera (See figs. 1 and 2) comprising a detachable memory card (Figs. 1: B and 2), wherein when the memory card is different or is not properly installed, a display (Fig. 1: 5) will display a message indicating that the memory card is not attached to the camera (Col. 4, lines 19-38; col. 5, lines 6-12; col. 5, line 48 – col. 6, line 8).

Therefore, taking the combined teaching of Fujimori in view of Watanabe and further in view of Inoue as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the electronic camera by indicating in the display that the memory card is not attached to the camera. The motivation to do so would help the user to avoid trying to capture images without having the memory card properly installed in the electronic camera since if the memory card is not properly installed the camera may not be capable of recording the images to be captured.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:00 A.M. to 5:30 P.M..

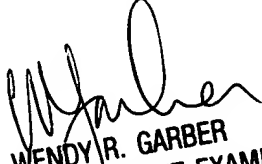
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy R. Garber can be reached on (571) 272-7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nelson D. Hernandez
Examiner
Art Unit 2612

NDHH
April 29, 2005


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